

REMARKS

Claims 1 and 3-16 are pending in this application. Claims 1 and 13-15 have been amended. No new matter has been added. Applicants thank the Examiner for allowing claim 16 and indicating the presence of allowable subject matter in claim 8.

Claims 1, 3-7 and 9-15 were rejected under 35 USC 102(b) as anticipated by applicants' alleged admitted prior art. Applicants respectfully traverse this rejection with respect to the claims, as amended.

Representative claim 1, as amended, recites a number of elements in combination. An optical pickup apparatus includes a plurality of optical components, including a light-emitting element that emits working light for recording or reproducing information with respect to a recording medium. There is also a housing for mounting therein the optical components and a first wiring board that is electrically connected to the light-emitting element. At least one of the optical components is made positionally adjustable. The first wiring board has an opening portion formed in an area thereof, which is located in proximity to the positionally-adjustable optical component. In the first wiring board, the opening portion is formed in an area facing toward an end part of the positionally-adjustable optical component, which end part undergoes significant displacement at the time of positional adjustment to the optical component.

Similar amendments were made to claims 13-15. These amendments are intended to limit the part of the positionally-adjustable optical component, toward which part the opening portion of the wiring board faces, to an end part of the optical component.

The same combination of elements is neither disclosed nor suggested by applicants' alleged admitted prior art. As shown in Fig. 15, the opening portion is not formed in an area facing toward part of the positionally-adjustable optical component. Rather, the opening faces the entire component. Furthermore, it is only the end portions of the component that are significantly displaced at the time of positional adjustment to the optical component. As a matter of geometry, the center of the component is not displaced at all. Applicants invite the

Examiner's attention to Fig. 3, instead of the alleged admitted prior art disclosed in Fig. 15, for a depiction that supports the claim element in question.

To anticipate a claim, the reference must teach every element of the claim. MPEP 2131. The standard for the anticipation analysis is that "[e]very element of the claimed invention must be literally present, arranged as in the claim. ... The identical invention must be shown in as complete detail as is contained in the patent claim." *Richardson v. Suzuki Motor Co., Ltd.*, 868 F.2d 1226, 1236 (Fed. Cir. 1983).

Since the alleged admitted prior art fails to teach every element of claim 1, as amended, it fails to anticipate claim 1. Thus, claim 1 is patentable over the alleged admitted prior art. This logic also disposes of the rejection of claims 3-7 and 9-15, which depend from claim 1 or are analogous to it.

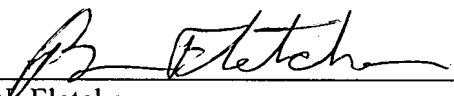
In view of the above, entry of the amendments after final rejection is appropriate here because the amendments place the application in condition for allowance or, in the alternative, in better form for appeal. Accordingly, applicants solicit early action in the form of a Notice of Allowance.

In the event that the transmittal letter is separated from this document and the Patent and Trademark office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Docket No. 275412001700.

Respectfully submitted,

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